

# CLEA

## Clinical Legal Education Association

<http://cleaweb.org>

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January 11, 2013

Jeffrey E. Lewis  
Chair, Standards Review Committee  
Dean Emeritus and Professor  
Saint Louis University School of Law  
3700 Lindell Blvd.  
St. Louis, MO 63108  
By email to [lewisje@slu.edu](mailto:lewisje@slu.edu)

Re: Standard 309

Dear Dean Lewis:

I write briefly on behalf of the Clinical Legal Education Association to provide a comment to the Standards Review Committee on the proposed rewrite of Standard 309 and an accompanying memorandum from Erica Moeser on bar passage rates that are contained in the January 18, 2013 meeting materials posted to the web site of the Standards Review Committee on January 10, 2013. The late posting date leaves far too little time for us to comment in any depth before the Committee meets.

It appears to us that these proposals would significantly increase the difficulty for law schools to meet the standard. While we cannot in the time permitted respond to the particulars of the proposals, we urge the Committee to discuss two questions when it takes up these proposals. These are:

1. What impact might these proposed changes have on the diversity of law school student bodies and the profession?
2. What impact might these proposed changes have on the content of the curricula of law schools at a time when being "practice ready" means much more than being ready to pass the bar?

We have listened intently to the deliberations of the Committee up to now. While we have heard occasional reference to these questions, the Committee has not fully discussed them and has certainly not answered them.

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*CLEA is the nation's largest association of law teachers, representing over 1000 dues-paying faculty at over 180 law schools. CLEA is committed to legal education that trains law students to be competent, ethical practitioners and to promoting access to legal representation. Its membership consists of law professors who teach students in their role as lawyers and who devote their energy and attention to identifying, teaching, and assessing proficiency in the skills and values essential to lawyering.*

Katherine Kruse, CLEA President, Hamline University School of Law, 1536 Hewitt Ave., MS-D2017, Saint Paul, MN 55104, 651-523-2472, [kkkruse02@hamline.edu](mailto:kkkruse02@hamline.edu)

We hope that the Committee's further deliberations will take into account the values regarding diversity and education that are implicated so deeply by any proposal to make it more difficult for law schools that are committed to diversity and to innovation in legal education to achieve their goals. The Standards should not encourage law schools to avoid risks with diverse populations or to become three-year bar review courses.

In the past, we have provided detailed comments explaining our concern that making even smaller scale changes in bar passage requirements than those proposed now could stifle needed curricular reform and contribute to the diversity crisis in legal education. The proposed rewrite of standard 309 represents a conceptual overhaul that would exacerbate these risks and signal a prioritizing of the bar exam over all other potential outcome measures, and of consumer protection concerns over diversity concerns.

We hope you will share these important questions with the Committee prior to its meeting on January 18. And we hope that in the future the SRC will be able to post its materials in enough time to permit meaningful comments from affiliates and others.

Very truly yours,

A handwritten signature in cursive script that reads "Katherine Kruse".

Katherine Kruse  
CLEA President